रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 158] नई दिल्ली, शुक्रवार, नवम्बर 12, 1976/कार्तिक 21, 1898
No. 158] NEW DELHI, FRIDAY, NOVEMBER 12, 1976/KARTIKA 21, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 12th November, 1976/Kartika 21, 1898 (Saka)

THE TAMIL NADU OFFICIAL LANGUAGE (AMENDMENT) ACT, 1976

No. 41 OF 1976

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act to amend the Tamil Nadu Official Language Act, 1956.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:— 41 of 1976.

1. This Act may be called the Tamil Nadu Official Language (Amendment) Act, 1976. Short title.

2. In the Tamil Nadu Official Language Act, 1956 (hereinafter referred to as the principal Act), after section 4, the following section shall be inserted, namely:— Tamil Nadu Act XXXIX of 1956. Insertion of new section 4-A.

4-A. *Declaration of Tamil as the language of courts for recording evidence in all proceedings.*—Notwithstanding anything contained in sections 2, 3 and 4 of this Act or in the Code of Civil Procedure,

1908 (Central Act V of 1908) or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), Tamil shall be the language of all—

(*i*) civil and criminal courts subordinate to the High Court;

(*ii*) tribunals; and

(*iii*) rent courts and revenue courts,

for the purpose of recording evidence in all proceedings:

Provided that the Presiding Officer of any such court or tribunal may, in recording evidence in Tamil, employ English words and phrases, wherever he feels necessary, to bring out the exact purport and meaning:

Provided further that the High Court may, by general or special order, permit—

(*i*) any class of Presiding Officers of civil or criminal courts, or tribunals, or

(*ii*) any Presiding Officer of any such court or tribunal,

to record evidence in English in such circumstances and for such period as may be specified in such order:

Provided also that the Board of Revenue may, by general or special order, permit—

(*i*) any class of Presiding Officers of rent courts or revenue courts, or

(*ii*) any Presiding Officer of any such court,

to record evidence in English in such circumstances and for such period as may be specified in such order.

Explanation.—In this section and in section 4-B, "rent court" or "revenue court" shall mean any court presided over by an officer of the Revenue Department.'.

Insertion of new section 4-B.

3. In the principal Act, after section 4-A as so inserted, the following section shall be inserted, namely:—

"4-B. *Declaration of Tamil as the language of courts for writing judgments, decrees and orders.*—(*1*) Notwithstanding anything contained in sections 2, 3 and 4 of this Act or in the Code of Civil Procedure, 1908 (Central Act V of 1908) or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), and subject to the provisions of sub-section (2), Tamil shall be the language of all—

(*i*) civil courts subordinate to the High Court;

(*ii*) criminal courts subordinate to the High Court;

(*iii*) tribunals; and

(*iv*) rent courts and revenue courts,

for the purpose of writing judgments, decrees and orders:

Provided that the Presiding Officer of any such court or tribunal may, in writing judgments, decrees and orders in Tamil, employ

English words and phrases, wherever he feels necessary, to bring out the exact purport and meaning:

Provided further that the High Court may, by general or special order, permit—

(*i*) any class of Presiding Officers of civil or criminal courts, or tribunals, or

(*ii*) any Presiding Officer of any such court or tribunal,

to write judgments, decrees and orders in English in such circumstances and for such period as may be specified in such order:

Provided also that the Board of Revenue may, by general or special order, permit—

(*i*) any class of Presiding Officers of rent courts or revenue courts, or

(*ii*) any Presiding Officer of any such court,

to write judgments and orders in English in such circumstances and for such period as may be specified in such order.

(2) The provisions of sub-section (*1*) shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed in respect of—

(*i*) civil courts subordinate to the High Court;

(*ii*) criminal courts subordinate to the High Court;

(*iii*) tribunals; and

(*iv*) rent courts and revenue courts.".

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt of India.

Reasons for the enactment

Section 2 of the Tamil Nadu Official Language Act, 1956 (Tamil Nadu Act XXXIX of 1956) provides that the official language of the State of Tamil Nadu shall be Tamil. Section 4 of the said Act provides that the State Government may, by notification, direct that Tamil shall be used in respect of such official purposes as may be specified in such notification.

The Government of Tamil Nadu have proposed to declare Tamil as the language of all subordinate criminal courts for the purpose of writing judgments and orders with effect from the 14th November, 1976. When this is done, by reason of section 354(1)(a) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), every Presiding Officer of subordinate criminal court has to write judgments in the language of the court, that is in Tamil, without any exception. The same will be the position in respect of civil courts subordinate to the High Court under section 137(2) of the Code of Civil Procedure, 1908 (Central Act V of 1908), when such a declaration is made.

When Tamil is declared as the language of the courts for the purpose of writing judgments, decrees and orders, the Government of Tamil Nadu have proposed to vest with the High Court the power to exempt any class of Presiding Officers or any individual Presiding Officer of civil or criminal court subordinate to the High Court and also of tribunals so as to enable them to write judgments, decrees and orders or record evidence in English. So also, in the case of rent courts and revenue courts presided over by the officers of the Revenue Department, the power to grant such exemption is proposed to be vested with the Board of Revenue. The exemption will, however, be given only under specified circumstances and for specified period. The above exemptions cannot have legal validity unless specific statutory provisions are made in this regard.

It has, therefore, been decided to amend the Tamil Nadu Official Language Act, 1956 (Tamil Nadu Act XXXIX of 1956) providing for the continued use of English language in the said exempted cases, even after declaration of Tamil as the language of the courts subordinate to the High Court, tribunals, revenue courts and rent courts for the purpose of recording evidence and for writing judgments, decrees and orders.

This measure seeks to achieve the above objects.

In view of the urgency of the matter, it is not practicable to consult the Consultative Committee on Tamil Nadu Legislation constituted under the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976). This measure is accordingly being enacted without reference to the Consultative Committee.

R. P. NAIK,

Secretary to the Government of India,
Department of Official Language.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976